SUBJECT NO. 7.

The Mysore Newspapers Regulation.

Summary of discussion.—MR. SANKARANARAYAN RAO (Advocate, Shimoga) began the discussion with the observation that there was no necessity for the Regulation, inasmuch as the Penal Code in force in the State contained ample provision for punishing the dissemination of sedition or the commission of other offences by newspaper editors. He argued that no occasion had arisen for Government passing such a regulation, which, besides curtailing the liberty which the Press in Mysore had enjoyed for a long time, dispensed with the formalities of a judicial trial, omitted to specify the acts which would be offences thereunder and rendered the offenders liable to deportation. He added that the inherent powers of His Highness the Maharaja were quite sufficient to prevent seditious writing. He prayed that the Regulation might be repealed. If that was found impossible, he suggested certain amendments, namely,

1. that the provision relating to licenses might be removed,
2. that the offences punishable under the Regulation might be set forth clearly, and
3. that a judicial trial might be provided for.

In support of these amendments he urged that the editors of newspapers were men of culture and ability, that the provision requiring permission to be obtained operated to restrict the power of free and independent criticism and cast a new and unnecessary obligation on newspapers existing already and that for purposes of registration and statistics the existing Act of 1867 was sufficient. He added that the Regulation said nothing as to the acts which would render newspapers liable to its penalties and gave absolute discretion to the Executive Government in regard to suppressing newspapers. He considered that this was unsatisfactory and that the offences should be specified and the offender left to be tried by the Courts, or rather, by the Chief Court itself. He also added that neither the Regulation nor the speeches in the Legislative Council contained any guarantee that the editor proceeded against would be given sufficient opportunity to defend himself before orders were passed.

The DEWAN, in reply, stated that the Regulation was passed after careful consideration by the Legislative Council, composed of both official and non-official members, and after the Legislative Council was convinced of the necessity for such a measure; that it enunciated no new principles of administration, but only declared the inherent powers of the Sovereign who has already got the power to suppress a newspaper and expel undesirable persons from his territories. He said that the Regulation

was intended on the one hand to keep people, especially newspaper editors, in mind of those powers, and on the other to remove all elements of arbitrariness from the exercise of the power by His Highness. He assured the Assembly that the powers conferred by the Regulation would not be exercised by Government in any arbitrary manner or according to the discretion of any particular officer or member of Government. The conduct of the newspapers would be watched and if any newspaper habitually indulged in writings which were of a seditious character or calculated to cause race hatred, or to endanger the safety of the State, or to violate public morality and decency, the editor would be warned. If even after such warning the same course of conduct was persisted in, the permission to publish the paper would be withdrawn, and, if after such withdrawal the newspaper continued to be published, the press would be attached and the man deported from Mysore territory if necessary. He added that if the Regulation were repealed and action was left to be taken under the inherent powers of His Highness the Maharaja, no warning would be given as a matter of course, the editor of an offending newspaper would be liable to be deported without notice and his press, etc., attached at any moment under a summary order of His Highness the Maharaja as was done in the case of the Desabhimani in 1894.

The DEWAN further observed that every case in which permission was refused or withdrawn, or in which the other penalties provided in the Regulation were enforced, would be considered by the Council of His Highness the Maharaja after giving the editor every opportunity of explaining his case and that every case would be submitted to His Highness the Maharaja for orders.

With regard to licenses, the DEWAN said that the provision could not be cancelled. He did not see any harm in asking a man to obtain permission before starting a newspaper. The provision was made with a view to enable Government to know who were the editors and printers and publishers of a newspaper in case it might be necessary to warn them or to order the discontinuance of their paper.

The CHIEF JUDGE here observed that taking out a license need not affect a newspaper man's position.

The DEWAN, continuing, pointed out that the system of granting licenses obtained in the case of other professions, *e.g.*, the profession of a pleader or an advocate, and that a similar provision about newspapers obtaining a license existed in the law in force in the Civil and Military Station, Bangalore, and other territories administered by

the Governor-General in Council beyond British India. He did not see any indignity in an editor being asked to apply for and obtain a license, and quoted the example of the *Madras Mail* which had applied for a license immediately after the Regulation was passed. The license would be usually given as a matter of course; and cases of refusal or withdrawal of permission would be fully considered by the whole Government, which meant the Council of His Highness the Maharaja and His Highness himself.

As regards the proposal to define the offences under the Regulation, the Dewan stated that the Regulation was a preventive and not a punitive measure; that even the word "offender" occurring in the Regulation was due to faulty drafting, and no necessity existed for specifying the offences under the Regulation; and that rules to regulate the action of Government would be framed in the future, if found necessary. He observed that the enforcement of such a Regulation would be called for only in exceptional circumstances and should rest with the Executive Government and not with the Judiciary; that it was the Government and not the Courts that were competent to judge when the safety of the State was threatened and that it was undesirable to give by means of a public trial undue advertisement to petty papers indulging in sedition or in writings that were detrimental to public morality and decency. As between judicial trials and executive action, the latter was better for the offender inasmuch as the Maharaja could revoke the order of expulsion at any time on the offender tendering an apology and giving guarantees for future good conduct. He wished it to be understood that what he had said was applicable to the conditions of a Native State like Mysore and that he was not discussing questions of abstract principles of law.

Without committing Government to any particular course of action by views expressed during the discussion, the DEWAN wanted to know whether the Assembly would prefer to have a provision on the lines of the British Indian Newspapers Act and give powers to the District Magistrate to suppress a paper whose writings came within the purview of Section 124 A or 153 A of the Indian Penal Code, or which published confidential information, subject to an appeal to the Chief Court. He added that while repealing the Regulation was out of the question he had no objection to amending it and prescribing a procedure on the lines of the British Indian Newspapers Act.

MR. SANKARANARAYAN RAO said that a provision as suggested would be better, but that he would prefer the whole action being taken by the Chief Court instead of by the District Magistrate.

MR. RAGHAVACHAR (Advocate, Mysore) said that in such cases the Government might collect evidence and place the matter before the Chief Court for decision.

The DEWAN remarked that such a course was not possible and that the only alternative to action by the Executive was action by the District Magistrate subject to an appeal to the Chief Court on the lines of the British Indian Act.

MR. RAGHAVACHAR desired that the Executive Government should call for an explanation from the editor and permit him to appear and plead his cause before the Council and to be represented by counsel, if necessary.

The DEWAN said, "We shall be prepared to do that. But if the editor refuses to appear before the Council, what then? You know an editor actually refused to see the Dewan when invited by him with a view to explain the action of Government in a certain case."

MR. RAGHAVACHAR said, "If he does not appear, orders may be passed *ex-parte*."

The DEWAN explained that the object of the Regulation was precisely to give power to Government to deal with such cases. The rules to be framed would make provision for the editors concerned being called upon to explain their conduct before action was taken under the Regulation. As matters stood, the Government could not compel any editor to explain his conduct.

The members of the Assembly promised to consider all these points and express their views later on.

On the 11th October MR. SUBBANNA (Advocate, Bangalore) began by saying that the assurances given during the last discussion had dispelled fears to a large extent. He and some other members accepted the need for such a measure as the Newspapers Regulation to prevent offences against the State and the disclosure of confidential information, but they thought that the punishment of deportation was unnecessary and that it would be enough to order the cessation of the publication of the paper. He thought that if any further punishment was necessary, imprisonment might be resorted to instead of deportation, as the cases in which such punishment would be called for would be rare.

The DEWAN agreed that the cases in which the Regulation would have to be enforced would be very rare. There was a similar law in force in the Civil and Military Station, Bangalore, but during the past 18 years there had not been any necessity for enforcing it.

MR. D. VENKATARAMAYYA (Advocate, Bangalore) said that the views expressed by the members of Government

in the Legislative Council and in the discussions in the Assembly had allayed the fears of the people to some extent. He was not however sure whether future members of Government would pay sufficient attention to those opinions unless they were incorporated in the Regulation. He also objected to deportation which might be to distant places like Burma.

The DEWAN explained that such a difficulty would arise if the Judiciary was empowered to deal with these cases. The case of the Executive Government was different. They would pay every regard to and would be bound by the declarations made regarding the enforcement of the Regulation. He also pointed out the serious misconception that existed in the minds of certain members who thought that newspaper men would be deported to distant places and detained there. The Mysore Government had no power to transport people either to Burma or to the Andamans. Deportation only meant removal beyond the limits of Mysore, and a man would presumably be out of Mysore if, for instance, he stepped out of the limits of the City and got into the Civil and Military Station, Bangalore. Deportation was a more honourable punishment than imprisonment in jail and was a punishment usually inflicted for political offences. He pointed out once again that the Regulation simply declared the powers of His Highness.

MR. VENKATARAMAYYA then observed that if His Highness had powers, the subjects had also their rights. The DEWAN replied that, constitutionally speaking, the Government of His Highness was autocratic in its nature, and that, in allowing the Regulation to be passed, His Highness had elected to put some limitations on his own powers and wanted them to be exercised with certain formalities and after giving notice to the parties affected.

MR. VENKATARAMAYYA feared that the Regulation placed power in the hands of the Police to molest people arbitrarily, but the DEWAN pointed out that the Police had no such powers and that it was only after the Government, that is, the Council and His Highness, had passed orders that the subordinate officers could take action in the matter.

MR. RAGHAVACHAR observed that till the passing of the Regulation, the power to deport an undesirable person vested in the Maharaja while the Regulation gave it to the Government. The DEWAN pointed out that this was a misconception on an essential point based on the idea that His Highness was dissociated from his Government.

MR. RAGHAVACHAR suggested that instead of deportation simple imprisonment for six months and a fine of Rs. 1,000 might be prescribed as the punishment.

MR. KRISHNA SASTRI (Land-owner, Mysore) said that to the raiyat the Executive Government was like the mother's house and the Judiciary the mother-in-law's house. He therefore thought that the enforcement of the Regulation should be left in the hands of the Executive Government which was in touch with the people and could give due weight to all the circumstances of a case and suit its action to the situation. The Government knew the wants of the people and was always ready to promote their good. It was best able to judge whether a newspaper was working in the best interests of the State or not. The procedure of the judicial department entailed heavy costs on the parties and the courts could only proceed according to the strict letter of the law. The Regulation was preventive rather than punitive and in that respect a very desirable one in the interests of the people. He was of opinion that the Regulation should be retained in its present form.

MR. GOPALACHAR (Land-owner, Bangalore) was also of the same opinion.

MR. SEETHARAMAIYA (Advocate, Shimoga) considered that the Regulation was unnecessary and that if it was to be retained it required amendment. He however thought deportation more suitable than imprisonment.

MR. NARASIMHAIYA (Land-holder, Mysore) said that the Regulation affected only the editors and publishers of newspapers and was of no general interest. It was the duty of the editors to see that their writings were not mischievous in character. He pointed out that certain vernacular papers contained writings of a vile character unfit to be read by women and children who were now largely reading newspapers. He thought that these papers should be suppressed. He preferred deportation to imprisonment. Such reckless editors owned little landed property and deportation was no great hardship to them. They could go out of the country and live upon their property, if any, and that would be much better than having to sell what little property they had to pay the fine. Imprisonment was also a great disgrace. The imprisonment of a man for a short term did not always ensure that he would not take to bad courses after return from jail. He considered that the necessity for the Regulation was fully made out and that it should not be repealed. He also observed that in the Representative Assembly people from taluks and villages had full scope for discussing important matters and could inform Government of their difficulties and inconveniences. He had every confidence that Government would not do anything harmful to the people and was of opinion that the Regulation did not affect the raiyats in any way.

MR. G. SRINIVASA MURTI (Land-holder, Hassan) was also of the same opinion. MESSRS. LINGEGOWDA (Patel and Land-holder, Mysore) and HUTCHEEREGOWDA (Patel and Land-holder, Tumkur) were against the trial of such cases by the Chief Court considering the heavy costs the parties would have to incur.

MESSRS. Y. RAMA RAO (Pleader, Tumkur), S. R. BALAKRISHNA RAO (Advocate, Shimoga) and SANKARANARAYAN RAO (Advocate, Shimoga) objected to the measure on the lines of certain previous speakers and suggested certain amendments similar to those already referred to. MR. SANKARANARAYAN RAO thought that instead of this Regulation the British Indian Act might be introduced. MR. SUBBANNA suggested that the procedure of the British Indian Act might be adopted, the offences being those referred to in Sections 124 A and 153 A of the Indian Penal Code, and the publication of confidential papers.

MR. GUBBI RAMANUJIENGAR (Land-holder, Tumkur) said that people had fears that Deputy Commissioners and other local officers would arbitrarily put the Regulation in force and that people would be deported to Burma or the Andamans. The discussions had however dispelled these misconceptions.

MR. DERVISH PEER (Moulvi, Mysore) referred to the diversity of views expressed during the discussion and to the stress laid on the principle that Government should protect the interests of the people. He asked whether it was not also incumbent on the subjects to safeguard the interests of the State in the same spirit and place confidence in the Government. It should not be thought that the interests of the Government were different from the best interests of the subjects. If there was this mutual confidence between Government and the people, there would not be any misunderstanding. He thought the people should help Government in lightening the task of administration. He also drew attention to the fact that the people were better off in Mysore in the matter of deportations than in other Native States, and quoted an instance within his own personal knowledge of a gentleman in a certain Native State who was asked to leave the State at a moment's notice because he had taken part in discussing certain political matters. Considering the state of things elsewhere, he thought that Mysore was much more highly advanced than other Native States and was a real paradise. Honest editors had nothing to fear from the new Regulation. Government should have passed such a Regulation years ago, but because they tolerated objectionable writings on the part of the newspapers till now, matters had now come to such a pass that further toleration would be dangerous to the

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safety of the State. The Regulation proceeded on the principle that "prevention is better than cure." Only mischievous people had to be afraid of the Regulation. To others there was absolutely no inconvenience. He referred to the opinion of Lord Cromer who had advocated the liberty of the press in Egypt for over 20 years but had had to change his opinion after actual experience of a free press. He did not for a moment think that Government was actuated by any other motive than the protection and welfare of the subjects. The Regulation was moreover a preventive measure, and though a similar measure had been in force in the Civil and Military Station for 18 years there was no occasion to enforce it. So it would happen in Mysore also and there was no cause for alarm. He was of opinion that the Regulation should be retained intact and that Government should first warn erring editors before taking other steps.

Mr. Bhima Rao (Pleader, Kolar) expressed himself in favour of judicial action such as existed in British India. Mr. Subba Rao (Land-holder, Chitaldrug) saw no use of judicial trials and preferred to have the Regulation as it was if it could not be repealed. Mr. Nallappa (Land-holder, Tumkur) said that the law was for the good of the people and should not be repealed.

The sense of the Assembly as to whether the Newspapers Regulation should be repealed was ascertained by a show of hands and it was found that only 36 members out of 173 present were in favour of repeal.

Reply of Government.—No change is necessary.

Subject No. 8.

The Village Panchayat.

(*a*) Messrs. K. Shankaranarayan Rao, Nagar Sabha; C. Nagappa, Nagar Taluk; Chik Ramanna, Suryanarnappa, Sonne Gowda and Byre Gowda, Kolar Taluk; Rama Rao, Malur Taluk; Surappa, Tumkur Taluk; Ramachandraiah, Bangalore District Board; Veerappa Reddi and Chik Guruva Reddi, Bangalore Taluk; Adirajappa, Pavagada Taluk; Srinivas Sitaram Kulkarni, Harihar Sub-Taluk; Davood Sab, Thimma Setty, Mudgere Taluk; Siddagangappa, Chamrajnagar Taluk; Malali Venkatramiah, Manjarabad Taluk; Kesaviengar, Belur Taluk.

(*b*) Messrs. Guru Rao, Padmanna, Venkatasubbaiya, Nanjangud Taluk.

Summary of discussion.—(*a*) Village Courts may be constituted with power to try petty suits.

(*b*) The Village Munsiffs' Act may be introduced.

Reply of Government.—Will be considered early.

Subject No. 9.

Introduction of the Small Cause Courts Regulation.

Messrs. C. Subba Rao, Shimoga District Board, and B. Subbanna, Law Association, Bangalore.

Summary of discussion.—The Small Cause Courts Regulation may be introduced into the State. Small causes should be defined and greater powers of revision given to the Chief Court.

Reply of Government.—Will be taken up soon.

Subject No. 10.

Extradition Act.

Mr. Kesaviengar, Belur Taluk, and Mr. Pilkington, North Mysore Planters' Association.

Summary of discussion.—Breaches of contract may be made extraditable.

Reply of Government.—If a representation is made on behalf of the Planters' Associations further action will be taken.